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2003 SOUTH EASTON RD
SUITE 208
DOYLESTOWN, PA 18901

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/031,142

Applicant(s)

ELDERING, CHARLES A.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 0103.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 117-199 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 117-199 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Amendment After Final, filed 6/25/07, with respect to claims 117-199 have been fully considered and are persuasive. The Final Rejection of 2/9/07 has been withdrawn.

Applicant's arguments with respect to claims 117-199 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 117-119, 122-124, 127-138, 143-144, 146-151, 153-156, 159-165, 167-171 and 192 rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant (US 5652615) in view of Wilkins et al. (US 5446919).

Claim 117, Brian discloses a method for presenting targeted advertisements in a telecom system, the method comprising:

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Forming group for reception of signals for the telecom system (see Fig. 1 with various groups and subgroups is formed and Fig.81 Col. 6, lines 65-Co1.7, lines 17)

Forming a plurality of subgroups for the group (see Fig. 1 with various groups and subgroups is formed and Fig.8, Col. 6, lines 65-Col. 7, lines 17);

Assigning a subgroup address to each subgroup (see Fig.1 for street box as subgroup address);

Receiving a program stream (met by the headend 140 that receives a program stream from satellite 120);

Selecting one or more targeted advertisements for a 1st subgroup (Fig. 3; Co1.4, lines 37-56; Col. 5, lines 23-25);

Assigning an advertisement identifier to each of the targeted advertisements (see Fig. 3);

Creating a relationship between the subgroup address and the one or more advertising identifiers (see fig. 5, Col. 6, lines 65-Co1.7, lines 17); and

Transmitting the program stream and the targeted advertisements selected for the 1st subgroup to the 1st subgroup (see Fig. 1, el. 170),

Bryant does not clearly disclose, "wherein the 1st subgroup does not receive targeted advertisements corresponding to any other subgroup"

Wilkins discloses a targeted advertising system where different advertisements are assigned to different demographic groups and carried on different channels, for example in figure 3, receivers associated with users with certain income levels view car advertisements on differing channels (Mercedes, Mustangs and Hyundais). As the ads

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are on separate channels each subgroup cannot receive the same targeted advertisements (column 10, line 54-column 12, line 39), and ensures that users only view advertising appropriate to their demographic. Further it enables an advertiser to purchase ads on a different channel with lower costs/audience (column 15, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bryant to utilize the separate advertising channels as taught by Wilkins for the advantages of ensuring that users see ads appropriate to their demographics, and taking advantages of cost savings associated with utilizing ads on channels with a smaller audience (column 15, lines 60-65).

Claim 118, "selecting one or more targeted advertisements for a second subgroup and transmitting the program stream and the advertisements selected for the second subgroup to the 2nd subgroup, wherein the 2nd subgroup does not received targeted advertisement corresponding to any other subgroup" is further met by the above analysis of claim 117.

Claim 119, "wherein the transmitting to the 1st subgroup and the transmitting to the 2nd subgroup are performed simultaneously" is further met by Bryan (see Fig. 1, el. 170) in view of Wilkins.

Claim 122, Bryant further discloses wherein the subgroups are based on cable nodes (see Fig. 3, Col. 5, lines 23-39).

Claim 123, Bryant further discloses wherein the subgroups are formed by transmitting an MPEG signal over a cable TV network (Col. 5, lines 48-65 and Col. 6, lines 46-51).

Claim 124, Bryant further discloses wherein the subgroups are based on demographic attributes (Fig. 2 and 8; Col. 4, lines 15-32; Col. 8, lines 49-52);

Claim 127, "wherein the transmitting includes multiplexing the program stream and the selected targeted advertisements at a centralized point to create a presentation stream" is further met by Bryant (Fig. 4-6, Col. 5, lines 48-65 and Col 6, lines 46-51) in view of Wilkins.

Claim 128, "wherein the multiplexing is performed in real-time" is further met by Bryant (Fig. 2; Col. 4, lines 10-20) in view of Wilkins.

Claim 129, "wherein the selected targeted advertisements are stored temporarily in a storage for insertion at a later time" is further met by Bryant (Col. 3, lines 25-53) in view of Wilkins.

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Claim 130, "wherein the program stream comprises one or more empty segments and during multiplexing the selected targeted advertisements are inserted in the empty segments", is further met by Bryant ("fill" segment in which ads. is inserted ; Col. 5, lines 23-37) in view of Wilkins.

Claim 1311 "wherein the program stream comprises one or more default advertisements and during multiplexing the default advertisements are substituted with the selected targeted advertisements" is met by Bryant (Figure 8, where segment b is a default advertisement provided by BC 810) in view of Wilkins.

Claim 132, "inserting the selected targeted advertisements in the program. stream at a client side" is met by Bryant (Figure 3; See Col 5, Lines 23-39) in view of Wilkins.

Claim 133, "wherein the client side is provided with the insertion time and the identification of the selected target advertisements" is met by Bryant (Figure.2; See Col 4, Lines 25-28) in view of Wilkins.

Claim 134, "wherein the program stream comprises one or more empty segments and during multiplexing the selected targeted advertisements and the identification of these empty segments is transmitted to the client side" is further met by

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Bryant ("fill" segment in which ads is inserted ; Col. 5, lines 23-39) in view of Wilkins.

Claim 135 is analyzed with respect to claim 131.

Claim 136, "wherein n program streams are combined with m advertisement streams resulting in p presentation streams, wherein p is greater than n" is further met by Bryant (Col. 6, lines 55-Col 7, lines 16 and Fig. 8) in view of Wilkins.

Claim 137, "wherein the program stream is transmitted as a 1st digital signal and the targeted advertisements are transmitted as a 2nd digital signal" is further met by Bryant (Col. 4, lines 20-25 and Fig. 2) in view of Wilkins.

Claim 138, "wherein the 1st digital signal is transmitted to the whole group and the 2nd digital signal is transmitted only to a subgroup" is further met by Bryant (Col. 6, lines 55-Col 7, lines 16 and Fig. 8) in view of Wilkins (see Fig. 15, Col. 9, lines 50-61).

Claim 143, "wherein the signals are cable based video signal" is further met by Bryant, as discussed in claim 117.

Claim 144, "wherein the signals are broadcast based video signal" is further met by Bryant, as discussed in claim 117.

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Claims 146, "wherein the targeted advertisements are inserted into the program stream based on the advertisement identifiers" is further met by Bryant (Col. 6, lines 55-Col 7, lines 16 and Fig. 8) in view of Wilkins.

Claim 147, "wherein the insertion occurs at the centralized point" is further met by Bryant (see Fig. 1) in view of Wilkins.

Claim 148, "wherein the insertion occurs at a local end" is further met by Bryant (see Fig. 1 with STB 200) in view of Wilkins.

Claims 149-150 and 153 are analyzed with respect to claim 117 and 127. Claim 151 is analyzed with respect to claim 119.

Claim 154, "wherein the subgroups are based on cable nodes" is analyzed with respect to claim 122.

Claim 155 is analyzed with respect to claim 123. Claim 156 is analyzed with respect to claim 124.

Claim 159 is analyzed with respect to claim 128.

Claim 160 is analyzed with respect to claim 129.

Claim 161 is analyzed with respect to claim 130.

Claim 162 is analyzed with respect to claim 131. Claim 163 is analyzed with respect to claim 136.

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Claim 164 is analyzed with respect to claim 117.

Claim 165 is analyzed with respect to claim 117. Claim 167 is analyzed with respect to claim 117.

Claim 168, "wherein the presentation of the targeted advertisements occurs before the program, at the beginning of the program, after the program, at the end of the program, ordering the program" is further met by Bryant (see Fig. 3) in view of Wilkins.

Claim 169, "wherein the target advertisement presented to the 1st subgroup and the targeted advertisement presented to the 2nd subgroup are presented to the client members of respective subgroups at or about the same time within the program sequence" is further met by the by Bryant in view of Wilkins as discussed in claim 117.

Claim 170, "wherein each subgroup represents a target market" is further met by Bryant (Fig. 8; Col. 6, lines 65-Co1.7, lines 17) in view of Wilkins.

Claim 171, "wherein the subgroup are formed an at least one attribute from a set of attributes consisting of geographic, demographic, psychographic, and preference attributes." is further met by Bryant (Fig. 2 and 8; col. 4, lines 15-32 and Col. 8, lines 49-52) in view of Wilkins.

Claim 192 is analyzed with respect to claim 117

2. Claims 120, 121, 152, 166, 175-176, and 197 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (US 5652615) in view of Wilkins et al. (US 5446919), and further in view of Lakey et al. (US 6,078,954).

Claim 120, Bryant discloses subsets/subgroups of cable nodes are formed by profile of customer demographics based on age, income...

Bryant in view of Wilkins does not clearly disclose wherein the subgroups are formed by using multicast addresses.

Lakey discloses that the destination/address includes multicast group/subgroup (groups/subgroups and multicast address; Fig. 3; Col. 3, lines 45- 65+; Col. 4, lines 50- 61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins to form Category/SubGroup Definition; i.e. age, income using multicast address/multicast group, as taught by Lakey, so the Headend/server could control over which clients/viewers are to be placed within which multicast group (Col. 1, lines 49-50) and also to take the advantage of the multicasting protocol of providing continuous multicast of data wherein the data can include configure, control and maintenance packets as well as informational data such as statistical data (Col. 3, lines 8-11).

Claim 121 is analyzed with respect to claim 117.

Bryant in view of Wilkins does not clearly disclose wherein the subgroups are formed by using multicast addresses.

Lakey discloses that the destination/address includes multicast group/subgroup (groups/subgroups and multicast address; Fig. 3; Col. 3, lines 45- 65+; Col. 4, lines 50- 61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins to form Category/SubGroup Definition; i.e. age, income using multicast address/multicast group, as taught by Lakey, so the Headend/server could control over which clients/viewers are to be placed within which multicast group (Col. 1, lines 49-50) and also to take the advantage of the multicasting protocol of providing continuous multicast of data wherein the data 'can include configure, control and maintenance packets as well as informational data such as statistical data (Col. 3, lines 8-1 !).

Claim 152, "wherein the subgroups are formed by using multicast addresses" is analyzed with respect 120.

Claim 166 is analyzed with respect to claim 117 in which Bryant in view of Wilkins does not clearly disclose wherein the 1st and 2nd subgroups are formed by using multicast addresses.

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Lakey discloses that the destination/address includes multicast group/subgroup (groups/subgroups and multicast address; Fig. 3; Col. 3, lines 45- 65+; Col. 4, lines 50-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins to form Category/SubGroup Definition; i.e. age, income using multicast address/multicast group, as taught by Lakey, so the Headend/server could control over which clients/viewers are to be placed within which multicast group (Col. 1, lines 49-50) and also to take the advantage of the multicasting protocol of providing continuous multicast of data wherein the data can include configure, control and maintenance packets as well as informational

Claims 175-176, and 197 are analyzed with respect to claim 121.

3. Claims 125-126, and 157-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (US 5652615) in view of Wilkins et al. (US 5446919), and further in view of Wilkins (US 5446919).

Claims 125 and 157, Bryant in view of Wilkins does not clearly disclose wherein the subgroups are based on psychographic attributes.

Wilkins discloses wherein the forming includes forming the subgroups based on at least some subset of demographic attributes, psychographic attributes (Col. 4, lines 10-41 and Col. 8, lines 24-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins to group

different subgroups based on psychographic attributes, as taught by Wilkins, so to give to advertisers to shape the content of the advertisement so as to appeal to the tastes/moods of the targeted audience (Col. 1, lines 28-40).

Claims 126 and 158, Wilkins further discloses wherein the subgroups are based on product and brand usage attributes advertisement (Col. 4, lines 60-Col. 5, lines 25).

4. Claims 120-121, 139-142, 145, 152-153, 166, 172-191, and 193-199 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al. (US 5652615) in view of Wilkins et al. (US 5446919), and further in view of Monteiro et al. (US 5983005)

Claim 120, Bryant discloses subsets/subgroups of cable nodes are formed by profile of customer demographics based on age, income...

Bryant in view of Wilkins does not clearly disclose wherein the subgroups are formed by using multicast addresses.

Monteiro discloses the wherein the subgroups are formed by using multicast addresses (see Fig. 5; Col. 5, lines 60-Col. 6, lines 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow targeted commercial delivery based on the individual user. Thus, a substantial number of targeted groups

could be accommodated without n impractical increase in network load (Col. 8, lines 25-18).

Claim 121 is analyzed with respect to claim 117.

Bryant in view of Wilkins does not clearly disclose wherein the subgroups are formed by using multicast addresses.

Monteiro discloses the wherein the subgroups are formed by using multicast addresses (see Fig. 5; Col. 5, lines 60-Co1.6, lines 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow targeted commercial delivery based on the individual user. Thus, a substantial number of targeted groups could be accommodated without n impractical increase in network load (Col. 8, lines 25-18).

Claim 139, Bryant in view of Wilkins does not clearly disclose wherein the 1st digital signal is transmitted via a digital transport network over a 1st channel and

- the 2nd digital signal is transmitted over a 2nd channel.

Monteiro discloses the 1st digital signal is transmitted via a digital transport network over a 1st channel and the 2nd digital signal is transmitted over a 2nd channel (see Fig. 5; Col. 7, lines 64-Co1.8, lines 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow targeted commercial delivery

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based on the individual user. Thus, a substantial number of targeted groups could be accommodated without an impractical increase in network load (Col. 8, lines 25-18).

Claim 140, "wherein the 1st channel is a digital CATV channel and the 2nd channel is a digital channel is a CATV system" is further met by Monteiro (see Fig. 5; Col. 7, lines 64-Col. 8, lines 12).

Claim 141, is analyzed with respect to claims 117, 137 and 139 in which Monteiro further discloses the targeted advertisement are transmitted as an audio channel over the Internet (see Fig. 5; Col. 7, lines 64-Col. 8, lines 12).

Claim 142 is analyzed with respect to claim 141.

Claim 145 is analyzed with respect to claim 117 in which Bryant in view of Wilkins does not clearly disclose wherein the signals are Internet based streaming video signals.

Monteiro discloses wherein the signals are Internet based streaming video signals (see Fig. 5; Col. 7, lines 64-Col. 8, lines 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow targeted commercial delivery based on the individual user. Thus, a substantial number of targeted groups could be accommodated without an impractical increase in network load (Col. 8, lines 25-18).

Claim 152 is analyzed with respect 120

Claim 153 is analyzed with respect to 145.

Claim 166 is analyzed with respect to claim 117 in which Bryant in view of Wilkins does not clearly disclose wherein the 1st and 2nd subgroups are formed by using multicast addresses.

Monteiro discloses the wherein the subgroups are formed by using multicast addresses (see Fig. 5; Col. 5, lines 60-Co1.6, lines 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow targeted commercial delivery based on the individual user. Thus, a substantial number of targeted groups could be accommodated without n impractical increase in network load (Col. 8, lines 25-18).

Claim 172 is analyzed with respect to claims t21,145 and 166.

Claim 173, Bryant in view of Wilkins does not clearly disclose wherein the plurality-targeted advertisements are delivered from a plurality of advertisement servers.

Monteiro discloses the plurality-targeted advertisements are delivered from a plurality of advertisement servers (see Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins with the teaching of Monteiro so to allow plurality of targeted commercials could be delivered to users through plurality of advertisers.

Claims 174, 175 and 176 are analyzed with respect to claims 121,145 and 166.

Claim 177, Monteiro discloses the plurality-targeted advertisements are

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delivered from a plurality of advertisement servers (see Fig. 1).

Claim 178 is further analyzed with respect to claims 121,145 and 166.

Bryant in view of Wilkins and Monteiro fails to disclose the use of a DOCSIS channel for delivery of the multimedia stream.

Official Notice is taken that the use of a DOCSIS channel for delivery of multimedia stream in the CATV system is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bryant in view of Wilkins and Monteiro to use DOCSIS channel for delivery of multimedia stream so to take the advantage of DOCSIS standard so as to allow interoperability.

Claims 179 and 180, "inserting the targeted advertisements in the program stream at the client side" and "wherein the targeted advertisements are inserted into the program before the program is decoded" is further met by the disclosed of Bryant STB. Claim 181, "wherein the client side is provided with the insertion time and the identification of the targeted advertisements" is further met by Bryant fig.2, Col. 4, lines 20-28.

Claims 182-184 are analyzed with respect to claims 12t, 145 and 166. Claim 185 is analyzed with respect to claim 119. Claim 186 is analyzed with respect to claim 147. Claim 187 is analyzed with respect to claim 148. Claim 188 is analyzed with respect to claim 168 Claim 189 is analyzed with respect to claim 147. Claim 190 is analyzed with respect to claim 170. Claim 191 is analyzed with respect to claim 171.

Claim 193, "wherein the content material comprises one or more default advertisements and during the combining the default advertisements are substitute with the targeted advertisements" is met by Bryant Fig. 8, Col. 6, lines 65-Col. 7, lines 17.

Claim 194 is analyzed with respect to claim 177.

Claim 195, "wherein the subgroups are disjoint and Contain no members in common" is further met by Bryant Fig. 8, Col. 6, lines 65-Col. 7, lines 17.

Claims 196 and 197 are analyzed with respect to claims 121,145 and 166. Claim 198 is analyzed with respect to claim. 177.

Claim 199, "wherein the subgroups comprise one ore more media players (reads on Bryant' s STB or Monteiro's user 40 receivers Col. 17, lines 33-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hunter B. Lonsberry
Primary Examiner
Art Unit 2623

HBL